

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of

*National Association of State Utility
Consumer Advocates' Petition for
Declaratory Ruling Regarding
Truth-in-Billing*

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CG Docket No. 04-208

**REPLY COMMENTS OF THE NATIONAL ASSOCIATION OF REGULATORY UTILITY
COMMISSIONERS**

Today, the deadline for filing reply comments, the National Association of Regulatory Utility Commissioners (NARUC), convened in its 2004 Summer Meetings in Salt Lake City, Utah passed the attached resolution and specifically instructed NARUC's general counsel to file in this proceeding based on that resolution. According to the resolution, NARUC:

- (1) Opposes the imposition of monthly surcharges that are not mandated or specifically authorized by law or regulation to be passed on to the consumer; and
- (2) Believes that a clear, full and meaningful disclosure of all applicable surcharges should be made at the time of execution of the service agreement between the company and the consumer as such disclosure is one of the keys to empowering the consumer to make an informed decision regarding its choice; and
- (3) Believes that monthly invoices should separate charges that law or regulation require to be passed through to consumers from those charges that are not mandated but are specifically authorized to be passed through to consumers; and
- (4) Agrees with the principles advanced in the NASUCA's March 30, 2004, petition and supports an FCC investigation into the billing practices of the carriers with regard to such surcharges; and
- (5) Urges that any order resulting from these proceedings should not preempt States from establishing more stringent standards for consumer protection.

NARUC anticipates filing additional materials in this proceeding after the comment cycle closes.

Respectfully Submitted:

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Resolution Concerning the Truth-In-Billing Petition filed at the Federal Communications Commission by the National Association of State Utility Consumer Advocates (NASUCA)

WHEREAS, Some State Commissions have seen a trend where some wireline and wireless telecommunications carriers impose separate monthly surcharges and fees that are not mandated or specifically authorized by the Federal and/or State governments to be passed through to consumers; *and*

WHEREAS, Some States have reported that consumers frequently complain about these monthly surcharges on their telecommunications bills and that the explanation provided by the carriers for the charges sometimes is inadequate; *and*

WHEREAS, These monthly surcharges, as described by carriers, may be misleading by implying that the fees are not only the product of government regulation but are sanctioned or required by either Federal or State governments; *and*

WHEREAS, Many consumers do not discover the full cost of their telephone service until they receive their monthly bills; *and*

WHEREAS, Some carriers' monthly surcharges may violate the FCC's Truth-In-Billing Order's requirement that carrier bills "contain full and non-misleading descriptions of the charges that appear therein"; *and*

WHEREAS, On July 30, 2003, the National Association of Regulatory Utility Commissioners (NARUC) Board of Directors adopted a resolution stating that NARUC has numerous concerns regarding the current practice of some wireless carriers imposing separate explicit charges for Federally mandated programs such as enhanced 9-1-1 service, local number portability, number pooling, and Universal Service programs funding; *and*

WHEREAS, On July 30, 2003, the NARUC Board of Directors adopted a resolution encouraging the FCC to conduct a proceeding to determine whether its existing Truth-in-Billing rules should be revised to address wireless carriers' current billing practices; *and*

WHEREAS, On July 31, 2002, the NARUC Board of Directors adopted a resolution urging that a Consumer Bill of Rights be developed for consumers of all telecommunications services that should include the right of consumers to receive clear and complete information regarding rates, terms and conditions for services; *and*

WHEREAS, On March 30, 2004, NASUCA filed a petition with the FCC detailing wireline and wireless carriers' practices with respect to such monthly surcharges and fees and asking the FCC to enter an order addressing this problem.

WHEREAS, On May 25, 2004, the FCC established a pleading cycle to consider NASUCA's petition and docketed NASUCA's petition as CG Docket No. 04-208; *now therefore be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened in its 2004 Summer Meetings in Salt Lake City, Utah,

opposes the imposition of monthly surcharges that are not mandated or specifically authorized by law or regulation to be passed on to the consumer; *and be it further*

RESOLVED, That NARUC believes that a clear, full and meaningful disclosure of all applicable surcharges should be made at the time of execution of the service agreement between the company and the consumer as such disclosure is one of the keys to empowering the consumer to make an informed decision regarding its choice; *and be it further*

RESOLVED, That NARUC believes that monthly invoices should separate charges that law or regulation require to be passed through to consumers from those charges that are not mandated but are specifically authorized to be passed through to consumers; *and be it further*

RESOLVED, That NARUC agrees with the principles advanced in the NASUCA's March 30, 2004, petition and supports an FCC investigation into the billing practices of the carriers with regard to such surcharges; *and be it further*

RESOLVED, That NARUC urges that any order resulting from these proceedings should not preempt States from establishing more stringent standards for consumer protection; *and be it further*

RESOLVED, The NARUC General Counsel is directed to file comments in support of the NASUCA petition and take any appropriate action to further the intent of this resolution.

Sponsored by the Committee on Consumer Affairs

Adopted by the NARUC Board of Directors, July 14, 2004